

02012.00150-CBB

MARSHALL DENNEHEY WARNER COLEMAN & GOGGIN

By: Christopher B. Block, Esq.

Attorney I.D. No. 014441996

425 Eagle Rock Avenue, Suite 302

Roseland, NJ 07068

☎ 973-618-4100 📠 973-618-0685

✉ cbblock@mdwgc.com

ATTORNEYS FOR DEFENDANTS - BJ'S WHOLESALE CLUB, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON**

**** ELECTRONICALLY FILED ****

ANGELA SANCHEZ,

Plaintiff

v.

BJ'S WHOLESALE CLUB, INC., JOHN
DOE 1-10 (fictitious name representing
an unknown individual) and ABC
CORPORATIONS 1-10 (fictitious name
representing an unknown corporation)

Defendants.

CASE NO.:

Civil Action

NOTICE OF REMOVAL (Diversity Jurisdiction)

TO: Clerk of the Court
United States District Court
District of New Jersey
Clarkson S. Fisher Building
& United States Courthouse
402 East State Street
Trenton, New Jersey 08608

PLEASE TAKE NOTICE that, Defendant, BJ's Wholesale Club, Inc.
hereby gives notice to the Court, pursuant to 28 USC §1441, for the
removal of this action which has been pending in the Superior Court of
New Jersey, Law Division, Essex County, under Docket No. ESX-L-500-21,

(the state action). The removal to this Court, Trenton Vicinage, is proper for the reasons set forth below:

1. On or about January 20, 2021, Plaintiff, Angela Sanchez commenced an action in the Superior Court of New Jersey, Law Division, Essex County, under Docket No.: ESX-L-500-21 styled Angela Sanchez v. B.J.'s Wholesale Club, Inc., John Does and ABC Company, Inc. 1-10 against the Defendant.
2. Defendant, B.J.'s Wholesale Club, Inc. first became aware of this lawsuit on or about January 21, 2021 and subsequently received the Summons. (See Summons & Complaint attached hereto as Exhibit "A").
3. This Notice of Removal is being filed in accordance with 28 USC §1446 (a) and (b).
4. The grounds for this removal is based upon the original jurisdiction of this Court pursuant to 28 USC §1332, which allows the Court to hear matters based upon diversity of citizenship of the parties.
5. This Notice of Removal is timely pursuant to both 28 USC §1446 and Federal Rule Civil Procedure 81 (c) because it is filed by the Defendant within thirty (30) days after acknowledgement of service of the Complaint and within one (1) year of the filing of the Complaint and the time period within which Defendant is required to answer or move with respect to the Complaint has not expired.

6. According to the allegations of the Complaint, Plaintiff, Angela Sanchez is a resident of 137 North 9th Street, Newark, County of Essex, State of New Jersey.

7. Plaintiff alleges in the Complaint that she sustained a personal injury while on the premises of BJ's Wholesale Club, Inc. located at 180 Passaic Avenue, Township of Kearny, County of Hudson, State of New Jersey.

8. Defendant, BJ's Wholesale Club, Inc., is a Delaware Corporation.

9. Based on the allegations, counsel believes in good faith that the amount in controversy exceeds \$75,000 exclusive of interest in costs based upon the claims submitted by Plaintiff in her Complaint alleging injuries and damages.

10. The present state action is removable to the United States District Court for the District of New Jersey pursuant to 28 USC §1332 (a) (1) and 1441 (a).

11. Under these circumstances, the lawsuit could have been brought originally before this Court under 28 USC §1332 by reason of the complete diversity of citizenship between the Plaintiff and the Defendant and the amount in controversy. Further, pursuant to 28 USC §1441 (b), the Defendant is not a citizen of New Jersey where the action was brought. The lawsuit is, therefore, properly removed to this Court pursuant to 28 USC §1441.

12. Written notice of the filing of this petition for removal has been given to Plaintiff's counsel in accordance with 28 USC §1446 (d) promptly with the filing of this pleading in Federal Court.
13. A copy of the Notice of Removal is being filed with the Superior Court of New Jersey, Law Division, Essex County, under Docket No.: ESX-L-500-21 in accordance with 28 USC §1446 (d).
14. Pursuant to 28 USC §1446 (b), this Notice of Removal is being filed within thirty (30) days after receipt of the Summons and Complaint by the moving party.
15. Copies of all process, pleadings and order served upon the Defendant by the Plaintiff is attached to this Notice of Removal as Exhibit "A".
16. **WHEREFORE,** the Defendant, BJ's Wholesale Club, Inc., respectfully gives notice to this Court of the removal of the state action to the Superior Court of New Jersey, Law Division, Monmouth County to the United States District Court for the District of New Jersey, Trenton Vicinage.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN
Attorneys for Defendant,
B.J.'s Wholesale Club, Inc.

By: /s/ Christopher B. Block
CHRISTOPHER B. BLOCK, ESQ.

Dated: 2/4/21